IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24322 of 2005

Between:

G. Sudha Rani, S/o. D.V. Prasad,
R/o. Thippaiahgaripalli, Nallamada Mandal,

Ananthapur District.

..... PETITIONER

AND

1. The Joint Collector, Ananthapur, Ananthapur District.
2. The Revenue Divisional Officer, Penukonda,

Ananthapur District.
3. The Mandal Revenue Officer, Nallamada,

Ananthapur District.

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the first respondent in not granting stay of the impugned proceedings No.D.Dis/1184/2005/C, dated 4.10.2005 issued by the 2nd respondent pending appeal, the present writ petition has been filed.

The case of the petitioner is that she is a permanent Fair Price Shop dealer of

Thippaiahgaripalli, Nallamada Mandal, Ananthapur District and she has been distributing the essential commodities to the cardholders without any complaint. Basing on a false complaint, the 3rd respondent has submitted a false report making certain allegations to the 2nd respondent. Basing on the said report, the 2nd respondent issued show cause notice in Rc.No.1184/2005/C, dated 16.08.2005 calling for the petitioner to submit her explanation. Pursuant to the show cause notice, the petitioner submitted her explanation and the 2nd respondent having not satisfied with the said explanation, initiated disciplinary proceedings in D.Dis/1184/2005/C, dated 04.10.2005 against her suspending her dealership pending enquiry. Aggrieved by the said impugned order, the petitioner preferred an appeal before the 1st respondent and pending appeal she sought suspension of the impugned proceedings. But, the 1st respondent, vide proceedings in Rc.No.K4/115/2005, dated 30.10.2005, admitted the appeal and rejected to grant stay of the impugned proceedings. Aggrieved by the same, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Admittedly, the authorized officer has empowered to suspend the dealership of the Fair Price Shop dealer. In the instant case, basing on the report submitted by the Mandal Revenue Officer, Penukonda, Ananthapur District in proceedings No.Rc.No.106/05/C, dated 8.8.2005, the 2nd respondent has rightly issued show cause notice in Rc.No.1184/2005/C, dated 16.08.2005, and if the charges are grave in nature, it is always open to Authorized Officer to suspend the dealership of the F.P. Shop dealer pending enquiry.

Having perused the material on record, it appears that there are seven charges have been framed against the petitioner and out of them, only one charge held not proved, and therefore, the 2nd respondent issued the impugned proceedings suspending the dealership of the petitioner pending enquiry instead of completing the enquiry itself. Against the said order, the petitioner preferred an appeal before the 1st respondent and it is pending.

Having regard to the facts and circumstances of the case, as the appeal pending before the 1st respondent, I am of the considered opinion that it is not just and proper to go into the merits of the case.

In that view of the matter, I deem it appropriate to direct the first respondent to consider and dispose of the appeal itself pending before him as expeditiously as possible within a period of three (3) weeks from the date of receipt of a copy of this order. The 2nd respondent, who is the authorized officer, is also directed to take necessary action either to suspend or to cancel the dealership of the petitioner after completing the enquiry within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

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(V. ESWARAIAH, J)

Date: 15.11.2005

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